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REMARKS

Applicants urge that no fee is required as no new claims over those previously paid for have been added by this Amendment. Should any fee be required, Applicants urge that the Commissioner charge Deposit Account 19-3550 for any such fee. No new matter has been added by the above Amendments.

Request for Telephone Interview

Applicants urge that this Amendment is fully responsive to the pending Office Action and that the subject U.S. Patent Application is now in condition for allowance. Should any issue remain, Applicants urge the Examiner to contact the undersigned at 847.490.1400.

Allowable Subject Matter

The Examiner has indicated Claims 2, 10 and 21-23 to contain allowable subject matter, but dependent from one or more rejected claims. Applicants believe the above Amendment and remarks place all claims in condition for allowance.

Amendments to the Claims

In an effort to expedite allowance of the subject U.S. Patent Application, Claims 1 and 66 have been amended to incorporate the limitations of Claim 2, indicated as containing allowable subject matter. Claim 2 has been canceled.

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Claim 10 has been amended to remove the phrase “where the frame comprises ferromagnetic material” because this limitation is already present in Claim 1.

Claim 20 has been amended to depend from Claim 19, rather than Claim 1, to correct the antecedent basis issue.

Claim 28 has been amended to correct a typographical error.

New Claim 72 has been added. New Claim 72 includes objected to, but allowable, Claim 21 and intermediate Claims 17, 19 and 20.

New Claim 73 has been added. New Claim 73 includes objected to, but allowable, Claim 10 and the intermediate claim, Claim 1.

Finally, Applicants have canceled previously withdrawn Claims 69-71.

Drawings Objection

The objection of the drawings under 37 CFR § 1.83(a) as not showing the voice coil mounted on a side surface, as claimed in Claim 18, and not showing the electromagnet, as claimed in Claim 33, is respectfully traversed.

Claim 18 is directed to a low-profile transducer wherein voice coil is mounted on a side surface. Both the voice coil and the side surface are clearly shown in the drawings. For example, Fig. 2 shows voice coils 270, 271 and 272, and side surface 220, and Fig. 12 shows voice coils 1270, and side surface 1245. Although the drawings do not specifically show a voice coil mounted on a side surface, Applicants

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urge that such showing is *not essential* for a proper understanding of the claimed invention. Applicants urge that based on Applicants' disclosures in the specification, and particularly in paragraph [0087], the claims and the drawings, a person skilled in the art would clearly understand the subject matter claimed in Claim 18. Accordingly, this objection should be withdrawn.

Claim 33 is directed to a low-profile transducer where the magnet structure comprises an electromagnet. As disclosed in paragraph [0100] of Applicants' specification, stationary magnets may be electromagnets or permanent magnets. Electromagnets are thus a *type of* stationary magnets. Stationary magnets are clearly shown in the drawings. For example, in Fig. 2, stationary magnets are shown as elements 280, 281 and 282. Applicants urge that stationary magnets are clearly illustrated in the drawings, and an electromagnet is merely a type of a stationary magnet. A person skilled in the art would clearly understand the subject matter claimed in Claim 33. Accordingly, this objection should be withdrawn.

Double Patenting

a) U.S. Patent Application 10/821,520

Rejection of Claims 1-6, 9-10, 12-38, 40-43 and 66-67 under the judicially created doctrine of obviousness-type double patenting over Claims 1, 3-12 and 17-32 of U.S. Patent Application 10/821,520 is respectfully traversed. Applicants

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file herewith a terminal disclaimer obviating the obviousness-type double patenting rejection. Accordingly, this claim rejection should be withdrawn.

b) U.S. Patent 7,333,620

Rejection of Claims 1-6, 9-10, 12-38, 40-43 and 66-67 under the judicially created doctrine of obviousness-type double patenting over Claims 1-20 of U.S. Patent 7,333,620 is respectfully traversed. Applicants file herewith a terminal disclaimer obviating the obviousness-type double patenting rejection. Accordingly, this claim rejection should be withdrawn.

Claim Rejections Based on 35 U.S.C. § 112

The rejection of Claims 18, 20 and 33 based on 35 U.S.C. § 112, second paragraph, as being indefinite, is respectfully traversed.

Claim 20 has been amended to depend from Claim 19, rather than Claim 1, whereby the antecedent basis issue has been corrected.

As discussed above, all features of Claims 18 and 33 are sufficiently disclosed in the specification and shown in the drawings. Applicants urge that Claims 18 and 33 particularly point out and distinctly claim the subject matter which Applicants regard as their invention, and are not indefinite.

Accordingly, these claim rejections should be withdrawn.

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Claim Rejections Based on 35 U.S.C. § 102

a) Kam

The rejection of Claims 1, 3-4, 9, 12-13, 15, 26-29, 31-32 and 35-37 based on 35 U.S.C. § 102(e) as being anticipated by Kam, U.S. Publication 2004/0037447, is respectfully traversed.

Applicants have amended independent Claim 1 to recite limitations of Claim 2, indicated as containing allowable subject matter. Accordingly, this claim rejection should be withdrawn.

b) Sawafuji

The rejection of Claims 1, 5-6, 16-20, 30, 41-43 and 66-67 based on 35 U.S.C. § 102(b) as being anticipated by Sawafuji, U.S. Patent 4,544,805, is respectfully traversed.

Applicants have amended independent Claims 1 and 66 to recite limitations of Claim 2, indicated as containing allowable subject matter. Accordingly, this claim rejection should be withdrawn.

Claim Rejections Based on 35 U.S.C. § 103

a) Kam

The rejection of Claims 14, 24-25, 33-34, 38 and 40 based on 35 U.S.C. § 103(a) as being obvious over Kam, U.S. Publication 2004/0037447, is respectfully traversed.

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Applicants have amended independent Claim 1 to recite limitations of Claim 2, indicated as containing allowable subject matter. Claims 14, 24-25, 33-34, 38 and 40, directly or indirectly, depend from amended Claim 1 and are allowable for at least the same reasons. Accordingly, this claim rejection should be withdrawn.

Conclusion

Applicants believe that the above Amendment addresses and overcomes each and every issue and rejection raised by the Examiner and therefore places the subject U.S. Patent Application into condition for allowance.

Respectfully submitted,



Kevin D. Erickson
Reg. No. 38,736

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400;
FAX (847) 490-1403